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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 13th August, 2015

+ W.P.(C) 7341/2015

VED BHUSHAN

..... Petitioner

Through: Mr. M.K. Bhardwaj, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Anurag Ahluwalia, CGSC
for R-1.
Mr. Sanjoy Ghose, ASC for R-2
& 3.

CORAM:

HON'BLE MR. JUSTICE VED PRAKASH VAISH

VED PRAKASH VAISH, J. (ORAL)

1. By way of present petition Mr. Ved Bhushan, petitioner seeks quashing of list dated 22.07.2015 wherein the name of the petitioner has not been included in the list of Police Officers recommended for the award of President's Police Medal (hereinafter referred to as 'PPM') for distinguished and meritorious service on the occasion of Independence Day, 2015.

2. With the consent of learned counsel for both the parties, the matter is taken up for final disposal.

3. The main grievance of the petitioner is that as per the terms and conditions prescribed in notification dated 01.03.1951 and letter dated 23.04.2015, the government of NCT of Delhi was required to send the name of the petitioner with other officers inasmuch as, the petitioner

was the senior most Inspector. However, the name of the petitioner was not sent to MHA for awarding police medal and the same is evident from letter dated 22.07.2015 issued by Deputy Secretary (Home) to the Joint Secretary (Police – I), Ministry of Home Affairs, Government of India, North Block, New Delhi.

4. Learned Counsel for the petitioner submits that the entire action of respondents in depriving the petitioner of the PPM is highly illegal, arbitrary and unjustified. He also submits that the list of officers recommended for the award of the PPM was not prepared as per the criteria prescribed in the letter dated 23.04.2015, in terms of which the States/UTs/CFs/CPOs were required to give priority to the seniority of the Police Officer. He further submits that respondent No.2 has no jurisdiction to exclude the name of the petitioner from the list of officers recommended for Police Medal. He also submits that the respondent No.2 has not recorded reasons for discriminating the petitioner while sending the list for award police medal to respondent No.1. He further submits that it is strange that the petitioner whose entitlement for grant of police award was accepted twice has been deprived from police award for extraneous reasons. He also submits that if the petitioner is denied police medal on this occasion, he would not be able to claim the same in future on account of subsequent developments and in particular promotion to the next posts i.e. Assistant Commissioner of Police.

5. Learned counsel for respondent No.1 submits that as per applicable law for award of the said medal, the respondent No.1 considers names of only those police officers who have been recommended by States/UTs/CPAFs/CPOs/Other organizations. He further submits that in the present case, the name of the petitioner has

not been recommended by respondent No.2 and, accordingly, only respondent No.2 is concerned with the present Writ Petition under reply. He also submits that the meeting of the Central Police Awards Committee has already been held and considered/ recommended the names of awardees for medals for Independence Day, 2015 and in view of the same the present writ petition is not maintainable and is liable to be quashed.

6. Learned counsel for respondent No.2 and 3 submits that the seniority of a police officer is not the only criteria for recommendation of a police officer's name for the PPM as other factors also have to be considered in terms of the guidelines/norms issued by the MHA which include Annual Confidential Reports, length of service, equitable between ranks, age, SC/ST/Minorities/Women, verification by IB/CBI/Vigilance/Cadre clearance and the citation of the officers etc. He further submits that the 2015 MHA notification states that while deciding the names for PPMs seniority 'may' be given priority. Therefore, the Screening committee at the State level had to consider all the factors mentioned above, including 'seniority' and further the committee had a discretionary power to prioritize the factor of seniority. He also submits that the act of recommending names for the Police Medal for Meritorious Service is an administrative action by respondent No.2 and therefore this Court's power to review the action is limited. He further submits that non-recommendation of officer's name for award shall not have any adverse effect on his future prospects or his promotion to the next post.

7. At the outset, it may be mentioned that the scope of judicial review of the administrative orders is limited. This Court, while reviewing the decisions taken by a competent authority can only

consider the legality of the decision making process and not whether the order so passed is legal or not. The ratio in this regard has been laid by this Court in '**Amrik Sing (Lovely) v. Union of India and Ors.**', 179 (2011) DLT 253, wherein this Court observed that the Court has no jurisdiction to interfere in order of decision – making authority.

8. In the instant case, a list of Recommended police officers for the PPM medal was sent to the concerned authorities vide letter dated 23.04.2015 by the Joint Secretary Police. Vide letter dated 22.07.2015, the Deputy Secretary (Home) forwarded the names of 8 officers/officials recommended by a Committee comprising of Special Commissioner of Police (Admn.), Delhi, Director (Dte. of Vigilance) and Director (Dte. of Prosecution), GNCTD, under the chairmanship of Principal Secretary (Home) for the Police medal for distinguished service and 18 officers/officials for Police medals for meritorious service. The suitability of the recommended officers was duly considered by the aforementioned committee in its meeting held on 03.07.2015 and has been approved by the Lt. Governor of Delhi. It has not been disputed by the petitioner that due process for consideration for the PPM has been followed by the respondents. Therefore, the decision so taken by the concerned selection committee holds it legal validity.

9. It is also the contention of the petitioner that the list of officers recommended for the award of the PPM was not prepared as per the criteria prescribed in the letter dated 23.04.2015, in terms of which the States/UTs/CFs/CPOs were required to give priority to the seniority of the Police Officer.

10. On perusal of the said letter it can be seen that the Joint Secretary (Police-I) while inviting recommendations for the PPM specifically asked for certain documents to be affixed with the names recommended, which included - citations, integrity/character & antecedent certificate of the officer recommended in the prescribed performa, a certificate after verifying from the service records of the officer recommended and the ACR grades for the last 10 years. Therefore, it is clear that said selection for the PPM is not on the basis of seniority itself.

11. It is pertinent to mention here that in paragraph 3 of the letter dated 23.04.2015, it has been specifically stated that:

“...The States/UTs/CAPFs/CPOs are advised that while making recommendations for award of PPM/PM to eligible officers, seniority may be given priority....”

12. The use of the word ‘may’ implies that this is an enabling and directory guideline. It further implies that the concerned selection committee had a discretionary power to select the officers on the basis of seniority. If the language of the said letter had been mandatory the word ‘shall’ should have been used instead of the word ‘may’. It does not impose a legal obligation on the respondents to consider the petitioner’s seniority for the purpose of selection over other recommended officers/officials. Therefore, this court is of the view that the language of the aforementioned guidelines is indicative and not binding upon the selection committee.

13. This Court, therefore, finds no illegality or infirmity in the process followed by the respondents for selection of officers/officials recommended for the award of President’s Police Medal (PPM) for

Distinguished Service and Police Medal for Meritorious Service on the occasion of Independence Day, 2015.

14. In view of the aforesaid discussion, the petition is without any merit, deserves to be dismissed and the same is hereby dismissed.

C.M. Appl. No.13487/2015

The application is dismissed as infructuous.

**(VED PRAKASH VAISH)
JUDGE**

AUGUST 13, 2015
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